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**Birch, Stewart,
Kolasch & Birch, LLP**

Fax

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|--|---|------------------|--------------------------|
| To: | Examiner Frederick Krass | From: | Leonard R. Svensson |
| Fax: | (571) 273-8300 | Pages: | 10 including cover sheet |
| Phone: | | Date: | August 1, 2005 |
| Your Ref.: | Application No. 10/771,259 | Our Ref.: | 1718-0214P |
| Re: | Letter Requesting Initialed PTO 1449 Form | | |
| <input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle | | | |

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• **Comments:**

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NO. 9897 P. 2

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PATENT
1718-0214P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Johan Harmenberg et al. Group: 1614
Application No.: 10/771,259 Examiner: KRASS, Frederick F
Filed: February 2, 2004 Conf.: 2442
For: PHARMACEUTICAL COMBINATION

LETTER REQUESTING INITIALED PTO 1449 FORM(S)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 1, 2005

Sir:

In reviewing the above-captioned application, the undersigned has noted that acknowledgement was not received for the PTO Form(s) 1449 filed with the Information Disclosure Statement(s) on August 19, 2004.

Applicants note that the Information Disclosure Statement filed via facsimile on August 19, 2004 has not been entered into the Patent Application Information Retrieval (PAIR) System. A copy of the confirmation facsimile transmission sheets indicating that the U.S. Patent Office has received the IDS is enclosed. In addition, Applicants enclose a copy of the IDS previously filed.

The Examiner is respectfully requested to return the initialed form(s) to the undersigned as soon as possible.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17; particularly, extension of time fees.

Certificate of Transmission
I hereby Certify that this correspondence is being
facsimile transmitted to the Patent and
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On Aug. 1, 2005
Sandra B. Pavo
Signature
Sandra B. Pavo
Typed or printed name of person signing certificate

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

47,604

By [Signature]
for Leonard R. Svensson
P.O. Box 747
Falls Church, VA 22040-0747
(714) 708-8555

LRS/SWG/sbp

ATTACHMENTS

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AUG 01 2005

PATENT
1718-0214P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: HARMENBERG, Johan G. et al. Conf.: 2442
Appl. No.: 10/771,259 Group: 1614
Filed: February 2, 2004 Examiner: KRASS, F.
For: PHARMACEUTICAL COMBINATION

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE
OR CONCURRENTLY WITH A RULE 1.114 RCE APPLICATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 19, 2004

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449(s), attached hereto.

II. COPIES (check at least one box)

- a. ☐ This application was filed before June 30, 2003. Accordingly, submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- b. ☒ This application was filed on or after June 30, 2003. Accordingly, copies of cited U.S. patents and patent application publications therefore are not included. Copies of foreign patent documents and non-patent literature are included.

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Appl. No. 10/771,259

- c. ☐ Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

- a. ☒ DOCUMENTS IN THE ENGLISH LANGUAGE

The patents, publications, or other information listed on the attached PTO 1449 are in the English language and therefore, do not require a statement of relevancy.

- b. ☐ DOCUMENTS NOT IN THE ENGLISH LANGUAGE

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

- c. ☐ ENGLISH LANGUAGE SEARCH REPORT

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

- d. ☐ OTHER

The following additional information is provided for the Examiner's consideration.

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Appl. No. 10/771,259

FEEs

IV. ☒ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):
(check one box)

- a. ☐ within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. (This section is not to be used with RCE's.)
- b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
- c. ☐ concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
- d. ☒ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required.
In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. ☐ THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

- a. ☐ No statement; therefore, a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
or
- b. ☐ See the statement below. No fee is required.

Appl. No. 10/771,259

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. ☐ each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or
- b. ☐ each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- c. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- d. ☐ Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

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Appl. No. 10/771,259

VII. PAYMENT OF FEES (check one box)

- ☐ A check in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.
- ☐ Please charge Deposit Account No. 02-2448 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee. A triplicate copy of this paper is attached.
- ☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

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Certificate of Transmittal
I hereby Certify that this correspondence is being
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Trademark Office:

On August 19, 2004
Sandra B. Pauls
Signature
SANDRA B. PAULS
Typed or printed name of person signing certificate

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By [Signature]
Leonard R. Svensson, #30,330

LRS/SWG/sbp
1718-0214P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachment(s): ☒ PTO-1449
☐ Documents
☐ Foreign Search Report
☐ Fee
☐ Other:

(Rev. 05/14/2004)

| | | | | | | | | |
|---|-----------------|--------------------|------------|---------------------------------------|---------|-------------------------------|--------------|-------------------------------|
| Form PTO-1449 | | | | ATTY. DOCKET NO. 1718-0214P | | APPLICATION NO. 10/771,259 | | |
| INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary) | | | | APPLICANT HARMENBERG, Johan et al. | | | | |
| | | | | FILING DATE February 2, 2004 | | GROUP 1614 | | |
| U.S. PATENT DOCUMENTS | | | | | | | | |
| EXAMINER INITIAL | DOCUMENT NUMBER | Kind | DATE | | NAME | CLASS | SUB CLASS | FILING DATE IF APPROPRIATE |
| | US 6,514,980 | B1 | 2003-02-04 | | BOYD | | | |
| | US | | | | | | | |
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| FOREIGN PATENT DOCUMENTS | | | | | | | | |
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| OTHER DOCUMENTS (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published. | | | | | | | | |
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| EXAMINER | | | | DATE CONSIDERED | | | | |
| EXAMINER: Initial if citation considered; whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. | | | | | | | | |

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* * * COMMUNICATION RESULT REPORT (AUG. 19. 2004 2:57PM) * * *

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| FILE MODE | OPTION | ADDRESS (GROUP) | RESULT | PAGE |
|----------------|--------|-----------------|--------|------|
| 2995 MEMORY TX | | 17038729306 | OK | 7/7 |

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| To: | Examiner Frederick Krass/AU 1614 | From: | Leonard R. Svensson |
| Fax: | (703) 872-9306 | Pages: | 7 including cover sheet |
| Phone: | | Date: | August 19, 2004 |
| Your Ref: | 10/771,289 | Our Ref: | 1718-0214P |
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* * * JOURNAL (AUG. 19. 2004 3:06PM) * * *

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| DATE | TIME | ADDRESS | MODE | TIME | PAGE | RESULT | PERS. NAME | FILE | | | |
| AUG. 16. | 7:58AM | 3124431029 | G3ESM | 0:32 | P. 1 | OK | | | | | |
| | 8:35AM | | G3ESM | 0:12 | P. 1 | OK | | | | | 2947 |
| | 8:58AM | +49 89 41304111 | G3ESM | 0:31 | P. 1 | OK | | | | | 2948 |
| | 9:03AM | GUTMANN - PLASSERAUD | G3ESM | 0:36 | P. 1 | OK | | | | | 2949 |
| | 9:10AM | | G3ESM | 1:23 | P. 8 | OK | | | | | 2950 |
| AUG. 17. | 3:22PM | 358968668444 | G3ESM | 0:42 | P. 1 | OK | | | | | 2951 |
| | 3:50PM | +49 89 41304111 | G3ESM | 4:09 | P. 1 | OK | | | | | 2952 |
| | 7:05AM | 01148226444402 | G3ESM | 0:39 | P. 1 | OK | | | | | 2953 |
| | 8:41AM | BSKB LLP | G3ESM | 1:35 | P. 1 | OK | | | | | 2954 |
| | 10:10AM | +49 89 41304111 | G3ESM | 0:31 | P. 1 | OK | | | | | 2955 |
| AUG. 18. | 10:11AM | BSKB LLP | G3ESM | 0:30 | P. 2 | OK | | | | | 2956 |
| | 12:28PM | | G3ESM | 1:09 | P. 3 | OK | | | | | 2957 |
| | 3:19PM | 0039 049 8232697 | G3ESM | 0:39 | P. 3 | OK | | | | | 2958 |
| | 8:10AM | 7142416287 | G3ESM | 0:18 | P. 1 | OK | | | | | 2959 |
| | 9:09AM | Phillips Ormonde & F | G3ESM | 1:01 | P. 3 | OK | | | | | 2960 |
| AUG. 19. | 9:11AM | 35 613 230 6706 | G3ESM | 0:27 | P. 3 | OK | | | | | 2961 |
| | 9:31AM | CHAS HUDER PATENT | G3ESM | 4:42 | P. 14 | OK | | | | | 2962 |
| | 9:36AM | | G3ESM | 0:27 | P. 1 | OK | | | | | 2963 |
| | 1:38PM | 358 9 68595610 | G3ESM | 1:15 | P. 1 | OK | | | | | 2964 |
| | 1:45PM | 358 9 68595610 | G3ESM | 2:12 | P. 8 | OK | | | | | 2965 |
| AUG. 19. | 7:30AM | YANAGIDA&ASSOCIATES | G3ESM | 0:25 | P. 1 | OK | | | | | 2966 |
| | 7:31AM | 01148226444402 | G3ESM | 0:46 | P. 1 | OK | | | | | 2967 |
| | 7:33AM | +49 89 41304111 | G3ESM | 0:39 | P. 1 | OK | | | | | 2968 |
| | 7:33AM | +49 89 41304111 | G3ESM | 0:39 | P. 1 | OK | | | | | 2969 |
| | 7:38AM | 01148226444402 | G3ESM | 0:22 | P. 1 | OK | | | | | 2970 |
| AUG. 19. | 10:07AM | 0039 049 8232697 | G3ESM | 0:20 | P. 1 | OK | | | | | 2971 |
| | 10:08AM | BSKB LLP | G3ESM | 0:43 | P. 1 | OK | | | | | 2972 |
| | 2:19PM | BSKB LLP | G3ESM | 1:42 | P. 1 | OK | | | | | 2973 |
| | 2:55PM | USPTO | G3ESM | 1:42 | P. 1 | OK | | | | | 2974 |
| | | | | | | | | | | | 2975 |

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|----------|---------|---------------------|------|------|------|--------|------------|------|--|--|------|
| DATE | TIME | ADDRESS | MODE | TIME | PAGE | RESULT | PERS. NAME | FILE | | | |
| AUG. 16. | 10:30AM | | G3ES | 2:13 | P. 5 | OK | | | | | 2976 |
| | 9:50PM | 358968668444 | G3ES | 0:57 | P. 1 | OK | | | | | 2977 |
| AUG. 17. | 10:30PM | 358968668444 | G3ES | 0:31 | P. 1 | OK | | | | | 2978 |
| | 5:10AM | SHP BRISTOL | G3ES | 0:19 | P. 1 | OK | | | | | 2979 |
| | 5:32AM | | G3ES | 0:28 | P. 1 | OK | | | | | 2980 |
| | 6:56AM | | G3ES | 1:53 | P. 4 | OK | | | | | 2981 |
| | 8:09AM | | G3ES | 0:37 | P. 1 | OK | | | | | 2982 |
| AUG. 18. | 8:43AM | BSKB LLP | G3ES | 0:57 | P. 2 | OK | | | | | 2983 |
| | 10:11AM | BSKB LLP | G3ES | 0:56 | P. 1 | OK | | | | | 2984 |
| | 7:36PM | FAX | G3ES | 0:41 | P. 1 | OK | | | | | 2985 |
| | 4:41AM | Via Fax | G3ES | 0:43 | P. 1 | OK | | | | | 2986 |
| | 6:50AM | | G3ES | 1:48 | P. 4 | OK | | | | | 2987 |
| AUG. 19. | 8:54AM | | G3ES | 0:51 | P. 1 | OK | | | | | 2988 |
| | 11:43AM | 613 230 6706 | G3ES | 0:18 | P. 1 | OK | | | | | 2989 |
| | 10:10PM | +498941304111 | G3ES | 0:26 | P. 2 | OK | | | | | 2990 |
| | 10:28PM | YANAGIDA&ASSOCIATES | G3ES | 0:44 | P. 3 | OK | | | | | 2991 |
| | 11:32PM | | G3ES | 0:32 | P. 1 | OK | | | | | 2992 |
| AUG. 19. | 11:41PM | +498941304111 | G3ES | 0:30 | P. 1 | OK | | | | | 2993 |
| | 8:08AM | FAX | G3ES | 0:39 | P. 1 | OK | | | | | 2994 |
| | 10:09AM | BSKB LLP | G3ES | 0:51 | P. 2 | OK | | | | | 2995 |
| | 2:20PM | BSKB LLP | G3ES | 0:56 | P. 2 | OK | | | | | 2996 |
| | | | | | | | | | | | 2997 |

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: BATCH
M : MEMORY
S : STANDARD
IS : REMOTE TRANSFER
C : CONFIDENTIAL
L : SEND LATER
D : DETAIL
B : FAX ON DEMAND

\$: TRANSFER
: FORWARDING
F : FINE
M : PC

P : POLLING
E : ECM
> : REDUCTION
% : PC DIRECT

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